

1896-039
Lee Co.

Chancery Causes: Wayman Houndshell vs. Cynthia Houndshell

Debusk, Thomas

CIA-Divorce

Virginia,

In the Circuit Court of Lee County.

To the Honorable W. T. Miller, Judge of said Court:

Your orator, Wayman Houndshell, humbly complaining represents to the court that he married Cynthia A. Houndshell on the --day of ----- 18----; that he was to her a kind, provident and dutiful husband; that more than three years ago she without any cause whatever and without any connivance or agreement on the part of your orator entirely abandoned him, and has neither lived with or cohabited with him since; that your orator has been a citizen of the county of Lee and State of Virginia, a much longer period than twelve months.

The prayer of your orator is that Cynthia A. Houndshell be made ~~a~~ party defendant to this bill and that she answer the same, but not upon oath, that being waived; that upon a hearing of the cause your orator be entirely divorced from the said Cynthia A. Houndshell; that general relief be granted him, and as in duty bound he will ever pray, &c. May Commonwealth's writ of habeas corpus issue, etc.; directed, etc.

Ort & Blaupreship.

10. + B.

Wayman Houshell

vs. Bill.

Cynthia A. Houshell

1896 1st Oct rules bill filed
Spa not executed & Cont
" 2nd Oct rules ^{plus} Spa & d. + d. v.
" 1st Nov rules taken the
last Monday in Oct. d. v.
Cause set for hearing

Wayman Houndshell, Plaintiff.

-----Against----- (In Chancery.

Cynthia A. Houndshell, Defendant.

-----This cause came on this day to be heard upon the bill of the plaintiff, process duly executed on the defendant, and depositions of witnesses, and was argued by counsel for the plaintiff.

And the defendant failing to appear and demur thereat as required
On consideration whereof, it is adjudged, ordered and decreed that the bonds of matrimony heretofore contracted and now existing between the plaintiff and defendant, be, and the same are hereby dissolved and annulled, and a ~~divorce~~ divorce a vinculo matrimonii is hereby granted both parties.

And this cause is stricken from the docket.

Wayman Houndshell

78. / Decree final.

Cynthia Houndshell

Entered in C. B. No.
4, page 473.

Enter this Decree
V, 700

Nov 7, 1896.

To Cynthia A. Houndshell:-

28th

-----Take notice that on the 28th day of October 1896, at the Law Office of Orr & Blankenship, in the town of Jonesville, Lee County, Virginia, I ^{will} take the depositions of Wayman Houndshell and others, which depositions when taken are intended to be read as evidence on my behalf in a certain suit in Chancery now pending in the Circuit Court of Lee County, Virginia, wherein I am Plaintiff and you are Defendant; and if from any cause the taking of said depositions be not begun, or if begun and not completed on that day the taking of the same will be adjourned from time to time and from place to place until the same are concluded.

Very Respectfully Yours, &c.

Wayman Houndshell.

By-----

Orr & Blankenship,
his Counsel.

10.4.13.

Wayman Houndsell

} notice to
DS. } take Deposi-
 } tions.

Cynthia A. Houndsell.

Exhibit Exhibit No. 1596
By delivering it before
before the Cynthia
Houndsell N.D. Justice
D.S. Law Office
S. H.

The depositions of John W Delusk, J. P.
Thomas & Mary E Thomas.

taken before the undersigned Justice
of the Peace of Lee County Va. at the
Office of Orr & Blankenship, in the town
of Jonesville, Lee County Virginia, ~~sub-~~
-sistant to notice and which are intended
to be read as evidence in behalf of the
plaintiff in a certain suit in Chancery
pending in the Circuit Court of Lee
County in which Wayman Houndsell
is plaintiff and Cynthia Houndsell is
defendant. On this 28th day of Oct / 1896.
Present—James W Orr of Counsel for Plff.
And no one for defendant.

John W Delusk a witness of lawful age
and being duly sworn deposes and says.

Ques 1. What is your age, residence & occupation?
Ans I will be 64 next March. I live
near Longloss Lee Co Va and I
am a Farmer.

2. Are you acquainted with the parties to
this suit and if so how long have you
known them?

Ans. I am acquainted with both the
parties. I have known them
Several years.

3. How far do you live from them?

Ans. I have lived near them for a number of years, and now live in less than a mile of them

4. Did or not, the defendant, Cynthia Hamdshell, abandon and leave her husband, the plaintiff, and if so when?

Ans. She did leave him. Something over three years ago.

5. Please state anything you may have heard her say, if anything, about not living with him after she had left him?

Ans. She told me pretty soon after she had left him, that she never intended to live with him any more.

6. Do you know whether she has since she left him, proposed or offered to live with him again, and become reconciled?

Ans. I do not.

7. Was Mr Hamdshell a prudent man and kind to his wife so far as you know.

Ans. As far as I know, he was kind to her, and ~~always~~ kept plenty on hand to eat, and I considered him a good provider

8. Do you know of any just cause for her abandoning her said husband?

Ans. No sir. I do not.

9. Has he resided at the same house for the last three years

Ans. Yes sir. he has.

10. Where has the defendant resided since she abandoned her said husband?

Ans. She has lived with her two sons, within $2\frac{1}{2}$ miles from where Mr Hornshell lived at his home.

11. Are you related to either of the parties to this suit?

Ans. I am not.

12. Do you know of any agreement between the parties to separate or any compromise upon the part of the plaintiff at the departure or abandonment by his wife?

Ans. No sir. I don't know of anything of the sort.

And further this deponent with oath.

Witness Claims

John Whizby-bush
mark

1 doz. 50 cts Paid by Ref.

J. P. Thomas another witness of lawful age and being duly sworn deposes & says.

Ques 1. What is your age, residence and occupation?

Ans. I am 46 years of age. I live at Cumbow Lee Co Va and I am a Farmer by occupation.

Ques. 2. How long have you known the parties to this suit, and how long have you lived near them?

Ans. I have known them both for 15 or 20 years, and lived within from 300 yards to a mile ^{of them} for 5 or six years, and lived one year on Mr Hounsells farm, and I now live something near three miles from Mr Hounsells.

3. Did the defendant abandon her husband, the plaintiff, and if so when, and where did you reside at the time.

Ans. She did abandon him, upwards of three years ago. I think it was three years the last of Aug or first of Sept. last. I was living at that time within four hundred yards of Mr Hounsells house.

4. State anything you may have heard her say, if anything, about not living with the plaintiff?

Ans. At the time she left him. I talked with her several times, and told her, the best thing she could do was to go back.

home. That they were both getting old, and they had better stay together. She said she would not, and never expected to, and never has returned to live with him.

5. Do you know of any just cause for her leaving Mr Houshells?

Ans. I do not.

6. Was he kind to his said wife and did he provide for her wants?

Ans. He was always kind to her when I was about, and seemed to always have plenty to eat and I considered him a good provider.

7. Has he lived at the same place ever since she left him and where has she resided?

Ans. He has lived at the same place all the time and she lived with her son, about $2\frac{1}{2}$ miles from Mr Houshells home, about two years, and she now lives within about a mile of him with another son.

8. Has the defendant ever expressed any desire to return and live with her husband, that you know of?

Ans. She never has that I know of.
but upon the Contrary she has
told me often that she never
intended to live with him any
more.

9. Have you ever heard Mr Hamdshell
express a desire that she should return
and live with him, or ask her to do so?

Ans. I have heard him say time
and again that he would like
to live with his wife, and I
have heard him ask her to
return, and she told him
she would not.

And further this deponent with out.

Witness claims J. P. ^{his} Thomas
1 day 50 cts Pd by Ref.

Mary E. Thomas another witness of lawful
age and being duly sworn deposes & says.

Ques 1. What is your age and where do you reside.

Ans. I was 45 last April. I live
at Cumberland Lee County Va.

2. How long have you known the parties
to this suit, and did you ever live near
them and if so how long?

Ans. I am acquainted with them both.
and have known them for

15 or twenty years. I lived near them five or six years with my husband J. P. Thomas.

3. Did Mrs Hounsshell abandon her husband the plaintiff, and if so about when?

Ans. She left him, over three years ago.

4. Did you hear her say anything about not living with him and if so what did she say?

Ans. I did hear her say, she was not coming back to live with him any more. I heard Mr Hounsshell ask her at the time she and I went after some chickens, to come back and stay. That he had not shut the door on her, and if she would come back and stay and do as she had done she should have a home as long as ~~she~~^{he} had one, and she replied that she would not come.

And further this deponent with note

Witness claims

1 day 50 cts. P. by P. H.

Mary J. ^{Per} Thomas
mark

Virginia Lee County, To-wit:
J. H. C. Joslyn, a Justice of the Peace,
do hereby Certify
that the foregoing depositions of
John W. Seabuck, J. P. Thomas
and Mary E. Thomas, were taken
Subscribed, and sworn to before
me at the time and place
and for the purpose in the
Caption mentioned.

Given under my hand this
28th day of October, 1896.

Henry C. Joslyn J.P.

Wayman Hornshell
vs. 3 Lu Cher

Cynthia Hornshell

The depositions
of J. W. Seabuck
J. P. Thomas &
Mary E. Thomas

Received from H. C. Joslyn
the J. P. before whom taken
and filed Oct 28th 1896
W. B. Munnery Clerk

Costs.
J. P.

1.50

Witnesses

1.50

Paid by the Deft.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon

Cynthia Houndsell

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*6* to answer a
bill in Chancery, exhibited against *her* in our said court by

Wayman Houndsell

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *15-th* day of *September*, 189*6*, and in the
12/*1st* year of the Commonwealth.

A B Munsey Clerk.

vs. { SUPREMA.
IN CHANCERY.

..... p. q.

To.....Rules.

CIRCUIT COURT.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon

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for the said Court on the *15th* Monday in *October*, 189*6*, to answer a
bill in Chancery, exhibited against *her* in our said court by

Rayman Houndshell

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *15th* day of *September* 189*6* and in the
12^{*set*} year of the Commonwealth.

A B Munsey Clerk.

Wayman Houndschell

SUPRENA.

vs. }

IN CHANCERY.

Cynthia Houndschell

Orr & B p. q.

To 1st October Rules.

CIRCUIT COURT.

mt. Exc. Ct. mt

Land Thos. Sep 1896

No 2196

ND January 1898
for App. Master
JCC

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

again
We Command you, That you summon *Cynthia Houndshell*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *3rd* Monday in *October*, 189*6*, to answer a
bill in Chancery, exhibited against *her* in our said court by
Wayman Houndshell

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *8th* day of *October*, 189*6*, and in the
12*1st* year of the Commonwealth.

A B Munsey Clerk.

Wayman Houndshell

SUPRENA.

vs. }

IN CHANCERY.

Cynthia Houndshell

Orr & B. p. q.

To 2nd Oct Rules.

CIRCUIT COURT.

Executed by
delivering an office
copy of the within
sums to Cynthia
Houndshell, this

OCT 14 - 1896

J. M. Weston D. S.

for W. P. Weston

S. L. Co.

O. V. B.

Pliffs Costs
C 3.50-5.00
S 1.00-1.50
Tax 1.50
Depos 1.50
Wito 1.50
\$9.00

Wayman Houndsell

vs. } In Chancery.

Cynthia A. Houndsell

1896 pet Oct rules bill filed & pa not 24d
t. could
" 2nd Oct rules aliao & pa 24d
" 1st Nov rules taken the last
Monday in Oct Cause set for
hearing.

Nov Term 1896 Decree final
See Chy Order Book 4 P 473

1890 to 1900

H.